App F.IX 4]

1924

File No. 50 24

Previous References. (Miscellaneous)

Serial Nos. 7

Later references.

(31)

GENERAL & REVENUE SECRETARIAT

Serial Nos. 7

Part B for September 1925

SUBJECT

Telegram from Rachaiya, Hulikatte complaining that the possession of Sreng Mada Swamy was conducted in Adalpalki with Panchakalasa that there was serious rioting &c

Letter No C 296 dated 9. 9. 1925 from the Mag. Coorg. Submits a copy of the judgement passed by the 2nd Class Magistrate Virajpet

1924.

MUZRAI SECRETARIAT.

(Inez.)

NOTES.

File No.

FILE HEADING.

Procession of Sirigere mutt Swami at Hulikatte, Davangere Taluq.

From Rachaiyya, Hulikatte.

Telegram Dated Received 4.9.24.

Diary No.	Enclos.	Spare Copies.	Serial No
1869			1

BRIEF ABSTRACT OF LETTER.

Complains that at Hulikatte, the procession of Sirigere Mutt Swami was conducted in Asda Palaki but that Town has Seized [illegible]

NOTES AND ORDERS.

The telegram is addressed to the H.S. members of council. Rev. Secretary's order:— "To. D.C. for report and then submit to Dewan"

D.C. submits—

Submitted 4.9.24.

Dewan 4.9.24.

NOTES—First Sheet

4.9.24.

4/9

WD 0560—GPB—500—9 8 22

WD 2310—GPE—10,000—31 5 24

General and Revenue Secretariat

File No. 50 of 1924.

DEWAN'S OFFICE.
Dt. 6 SEP. 1924
Reg. No 1946

Serial No. 2

To The D. C. Chitaldrug. No. 380 dt 5.9.24.
Pds a fast copy of the above telegram for immediate report.
" Bangalore Comm'r. No. 381 dt 5.9.24.
Pds copy

3 The draft has issued, and the file is re-submitted

AU 5.9.24 5/9/24

To perusal
6 9 24
Dewan).

Very
Perhaps no end
has been

8.9.24.

From, The Dy. Com'r, Chitaldrug
Dt 5., Letter no. 71 dt 19.9.24.
Forwards Report from the
ASSt Supdt of Police, re the
alleged incident and states
that the result of the Police
investigation in the matter
is awaited.

Submit.
AU 22.9.24 22/9/24

24 L)

NOTE—Contn. sheet

WD 2910—GPP—10,000—31 5 24

General and Revenue Secretariat

File No. 5 of 19 Yr.

Serial No.

To Secretariat
D.
22 9 Yr.

Rev. Secy
11 Member
D Secy

24. 9. Yr
D
24. 9 Yr

682/25

- 4 The report & the Asst Supdt & Police is not satisfactory & requests him to report the further results of the investigation of the case at an early date.

10 Contd DC
Submit to D—
D
27. 9 Yr.

11
DIG. Secrett.
AD 27. 9. Yr
27. 9. Yr.

Issue
D
27. 9 Yr.

4 To The D. G. Whitefield. No. 481/d. 30. 9. 24.
Observes that the report of the Asst Supdt of Police is not satisfactory and requests him to report the further results of the investigation of the case at an early date.
" Mag. Yemmig. No. 482 d. 30. 9. 24.
Pde " copy of the above for info.

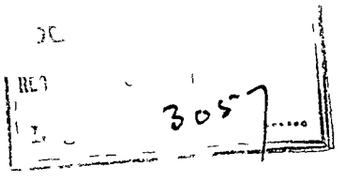
NOTE—Contn. sheet

G. R. S. III-2]

WD 2310—GPE—10,000—31 5 24

General and Revenue Secretariat | File No. | of 19

Serial No.



Diwan)

Ref. Letter. Further chit
need, maybe taken
from Home Dept. 6-11

Reply

6.11.24

From, the Dy. Comm., Chitaldrug Divn, Letter no. 180 dt 8.11.24.

Forwards further report of the Asstant Supdt of Police stating that steps are being taken to have the case dismissed to the magistrate - [illegible] for want of sufficient evidence to [illegible]

NOTE—Contn sheet

Serial No.

is being taken to place a charge sheet against them. If Report of the A.S.P. of police goes fully into the facts of the case.

Submitted to the Dy Comr Mar. if approved, be asked to send up a report upon 12.11.24 with a copy of the decision passed in the case.

Dy Secretary
13.11.24
13.11.24.

355/14.11 2nd member.

I think that No further action is called for by me in the matter.

Dewan
15/11.
15.11.24.

The case is to come up for disposal on Monday next.

15.11.24.

Dy Comr Mar. for Dewan Comr. Calling for a final report in 24 hrs. for appeal orders.

17-11-24 Rev. Secy
17.11.24

NOTE—Contn Sheet

DEWAN'S OFFICE
RECD. on 15 NOV 1924
Reg. No. 3533

G R S III 2]

File No. of 19

General and Revenue Secretariat

Serial No.

NOTE—Contn Sheet

Muzrai Secretariat | Muz. File No. 50 of 1924.

Serial No.

6 To the D. A. Chitaldrug. No. 708 d. 20.11.24.

States that the case is one of importance and requests that the proceedings should be watched and a report as to the disposal of the case sent to him as early as possible.

7. From, The Muzrai Comr.

Letter no C. 296 of 24-25 dt 9.9.1925.

Submits a copy of Chitaldrug Dy. Comr's Comm reporting on the disposal of the case by the II Cl. magistrate of Davangere, him a copy of the judgment.

It will be seen from judgment that the charge of assault on the Police Duffedar while he was on duty and obstruction to the Sirigere Swami's procession and also

NOTE—Contn sheet

WD 0561-GPB- 3750—1.8.22

Muzrai Secretariat

Muz. File No. 50 of 1926

Serial No.

DEWAN[illegible] E.
RECD. 6 OCT 1925
2803

The Sunis formers, have not been proved against the accused (Sumpada Pa and others)

Submit.

14.9.25. 179/25

Impressed. No further action seems called for

17.9.25.

(81 member Dewan)

5.10.25

Seen by Dewan Rao. Es, PSD 6/10/25

NMP 7/10

14/10

WD 0561- GPB—3750—1 8-22

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DEER LIPTON'S TEA.

240

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RAPES.
Cha

BANGALORE
SEP

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To ... he/Sender, if telegraphed, is written after the text

Handed in at (Office of Origin)	Date	Hour	Minute	...ge Instructions.	Words
AV [illegible] 3					35

To

Rcvd here at H M.

The second
[illegible]

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Schweppes DRY GINGER ALE.

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Muz 4]

SUBJECT .....

.....

.....

Diary No. of letter replied to _____

Muzrai Secretariat

( )

the *192* .

Section

File No.

Serial No.

No. 380/Enc-1.

Date of issue 5th September 1924

Signed by _____

To

The Dy. Cmr.,
Chitaldrug Dist

Sir,

I am directed to forward herewith for information an early report, a post copy of the Telegram No. 269 purporting to be from one Rachaiyya of Hulikere in the Davangere Taluk

complaining that the Swami
of Sirigeri Mutt went
in procession in Adda pallaki
with Panchakalasa at
the said place, that there was
Serious rioting and praying and fresh riot is expected;
for urgent stay order
and enquiry.

I have the
honour to be
Sir
Your most obedient
servant
[illegible]
Rev. Secretary.

4.9.24.

Copy to Hon'ble Commr. for information.

B. G.
5.9.24.
for Secretary
Rev: Dept.

D. 3818 5/9/24.

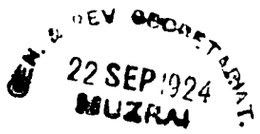
List of enclosures

Copied by

Examined by

WD 0563—GPB—2,500—27 7 22

15951



From

The Deputy Commissioner,

Chitaldrug District,

Chitaldrug.

D. 357

Muz.50-24-3

To,

The Secretary to Government, .

Revenue Department,

Bangalore.

Dated 19th September 1924.

No. Reform.& 71/924/25 Encl one report

Sir,

Adverting to your letter No. 380/Muz. 50-24-2 dated 5-9-1924 calling for an immediate report re the procession of Sirigere Swamy in Adda Pallaki in Hulikatte Village of the Davangere Taluk, I have the honor to forward herewith for favour of perusal copy of the detailed report submitted by the Assistant Superintendent of Police, Davangere re the alleged incident and to state that the result of the Police investig tion in the matter is awaited with a view to see if the allegations contained in the telegram under reference true.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

Report No. Nil dated 14-9-24 received from Mr. C. Everard Assistant Superintendent of Police, Davangere re : the procession of the Sirigere Swamy in cross palanquin with Panchakalasa in Hulikatte village, Davanger Taluk.

One Gurupadappa and others of Hulikatte Village, in the Davangere Taluk complained to the Police Inspector at Davangere on 2-9-24 at about 4 P.M. when the swamy of Sirigere Mutt and his people were entering the Hulikatte village in procession, they took the palanquin with the swamy in it, side-ways (Adda Palike) and also used a certain insignia (Panchakalasa) and for the use of these two insignia they had no license.

2. In the Hulikatte village there are two parties, one the disciples of the Sirigere mutt who are in the majority in this village and the other, the disciples of the Murugi Mutt. The complainant complains against 13 persons of whom ~~the~~ 9 are the sadhu Lingayets (Disciples of Sirigere Mutt) and the residents of Hulikatte village) the swamy-10th accused, and the Agent of the Mutt Mr. Mahadevappa -11th accused, the "Ana Mavatha "-12th accused and the Police Daffedar of Anajee the 13th accused.

3. At the time of the Sirigere Swamy's procession in the Hulikatte Village, they were accompanied by the Anajee Police Daffedar and 2 Police constables.

4. Because of the palanquin being taken side-ways and also for the use of the panchakalasa as stated by the complainant's people, the complainant Gurupadappa, Patel Hanumanthappa and one Mathada Rachiah the disciples of Murugi Mutt asked the Sirigere Mutt Agent to produce their Sannads for the use of these insignia, whereupon the Agent replied that they had no authority to ask for the same: and that the Daffedar who was present also said that they had no authority to ask for the Sannad, and with a stick which he had in his hand , he beat the complainant Gurupadappa and others and that the swamy encouraged his people by saying " Beat them and drive them back " and that he will be responsible for the consequences. Whereupon the accused persons beat the other party with sticks and "Ana Mavatha " with the aid of his elephant dispersed them and the entry of the procession was forced into the village. The complainant Gurupadappa who sustained some injuries on his

his head and person was sent to the Hospital and a medical certificate obtained. The case was registered on 3-9-24 under sections 148, 166, 109, and 324 I.P.C. The police Inspector proceeded to the spot and examined 12 witnesses on behalf of the complainant and they all corroborate the complainant's statement in all material points. I have directed the Inspector to examine some independent witnesses who do not belong to either of these mutts as their testimony will be disinterested.

5. On 3-9-24 the Anajee Daffedar made a report to the Kasba Police that on the occasion of the Sirigere Swamy's procession ø into the village the swamy and his people were obstructed and beaten by the complainant's people in which he was also assaulted, but the Swamy and the Agent of the Mutt have stated to the Inspector that they had no complaint whatever against the other party. I personally interviewed the Swamy and the Agent ~~at the~~ at Igur village whither I went to inspect the palanquin and both of them informed that they have no ~~complaint~~ complaint against the other party in as much as the other party did not obstruct them or in any way cause them ~~annoyance~~ annoyances. The Swamy further informed me that, they did not attempt to proceed into the village with either Addapalake or panchakalasa.

6. It would appear there exists a long standing feud between the Sirigere and Murugi Mutts and their respective disciples.

7. The case is being very carefully investigated under my guidance. The S.H.O. Diary of Davangere Kasba dated 3-9-24 is attached for information.

" Copy."

Deputy Commissioner,
Chitaldrug District.

Muz 4]

SUBJECT..... ....

Diary No. of letter replied to _____

Section Muz.
File No. C 8 - 24
Serial No. 4.

Muzrai Secretariat
( )
, *the* 192 .

No. 481

Date of issue 30-9-24.

Signed by Mr T. Ramaraja.

To

The Dy. Comr.,
Chikkaballapura Dist.

Sir,

Adverting to your letter no. 71 dt 19-9-24 forwarding copy of the report from Mr. C. Everard, Asst Supdt of Police, Davangere, in the matter of the alleged procession of Sirigere Swamy in Adda Pallaki

of the Daranagere Taluk,
I am directed to observe
that the report of the
Asst Supt of Police
is far from satisfactory,
and to request that you
will be so good as to
report the further result
of the investigation of
the case at a very early
date.

I have etc.

27.9.21

for Rev. Secretary.

4-82-30-9-21 27.9.21

Copy to Insp.

Com for info

B-O.

27.9.21

Copied by

Examined by

for Rev. Secretary.

27.9.21

List of enclosures.

WD 0563- GPB—2,500—27 7-22

Ex. 180 "1929
re-rs
Enc as repts

Office of the Deputy Commissioner,
Chitaldrug District.
Dated Chitaldrug, 7th November 19 .

From

The Deputy Commissioner,
Chitaldrug District.

To

The Secretary to Government,
Revenue Department, Bangalore.

Sir

Mang. 50-24-5.

Adverting to your letter no.421 Rz.50-24-4 dated 20th September 1924 callin for the report on the further result of the investigation relating to the alleged suppression of murder at Adlanalki in Hulikatte village of the Davangere Taluk, I have the honor to submit herewith for information copy of the further report of the Assistant Superintendent of Police, Davangere received with his No.U.75/24-25 dated 28th October 1924 for submission to the District Superintendent of Police, Chitaldrug. It will be seen from the above that steps are being taken by the Assistant Superintendent of Police, Davangere to have the case referred to the Magistrate on B form for orders as sufficient evidence is not forthcoming against the party of the petitioner [illegible] sections 147 and 352 of the I.P.C. action is being [illegible]

I have the honor to be,
Sir,
Your [illegible],

[illegible]
Deputy Commissioner,
Chitaldrug District.

Sworn.

R E P O R T.

1. On 2-9-1924 one Gurupadappa and somebothers of the Hullikatte village in the Davangere Taluk complained that when the Swami of Sirigere Mutt and his people were entering the Hullikatte village in procession with the Swami in his palanquin with the Swami in it side ways (Adyapalaki) and also used a certain insignia (Panchalakshana) for the use of these two things the Swami had no license.

2. In the Hullikatte village there are two parties, one the disciples of the Sirigere Mutt and the other the disciples of the Hiriyur Mutt.

3. The complainant cited 10 accused persons of the 9 are Sadhus and disciples of the Sirigere Mutt. The 1st accused is the Swami of the Mutt the 11th accused. The Amaldar the 12th accused and the Daffedar 13th accused.

4. At the time of the Swami's entry into the village were accompanied by the Police Daffedar Jaffar Ali and two Constables of the Anagodu Police station and constable Siddappa and followed the Swami from Anagodu village.

5. The day previous to the Swami's arrival at the Hullikatte village some of the accused persons and other people of the village had been discussing the manner in which the Swami should be brought into the village and suggested that the Swami should ride in an open Palanquin with Mahazars (spreading cloths on the floor). This could not be done as Narool and the patel of the village therefore requested the Constable to the Anagodu Police station saying that if he apprehended there may be a breach of the peace.

6. Because, as stated by the complainant Gurupadappa the patel of the village and others that the Swami was having with the village Adhyapallaki and also using Panchalakshana. The patel of the village questioned the agent of the Mutt as to his right to use these insignia and asked him to produce the license thereupon the agent replied that the patel and the other party had no authority to ask for the same. The Swami is said to have encouraged his people by saying "BEAT THE DRIVE THE BACK" and that he will be responsible for the consequence. Thereupon the accused persons left the complainant and his party with sticks and the procession was forced to enter the village.

7. The case was registered on 2-9-1924 as one under sections 147, 148, 149 and 504 I.P.C. and the Police Inspector proceeded to the investigation. The following witnesses were examined :- (1) Complainant Gurupadappa bore out the above facts and stated that the Swami was brought into the village in Adhyapallaki and also used Panchalakshana and that besides their authority from the use of these insignia the questioned beating and the procession forced into the village. (2) Rachia (3) Anchappa (4) Lambani Ratina (5) Rangappa corroborates the statement of Complainant Gurupadappa (6) Hanumappa, patel of Hullikatte village stated that on the day previous to the Swami's arrival at his village some of the accused and other disciples of the Sirigere Mutt had been discussing the manner in which they would bring the Swami into the village and suggested that the Swami should ride in an open Palanquin with a "MUTHUVADI" and as this was not according to Narool he reported the matter to the Anagodu Police and requested the presence of the Daffedar on the occasion of the Swami's arrival at his village, that the Swami arrived at Hullikatte with Panchalakshana. That the questioned the right of the Swami to use of these insignia. That he was also told that he had no authority for the Swami and that the Amildar Thimmappa, one of the disciples of the Swami had beat the complainant Gurupadappa and Rachia and that the Swami encouraged Beat him and drive the back, then he (the Swami) will be responsible for the consequence and that the Amildar knew his place and not to interfere and in the confusion the Swami was taken into the village. (7) Thimmappa stated that on 2-9-1924 he was asked by the accused persons and Narool Muthuvadi on the occasion of the Swami's arrival but he refused to do so and told them that he was unable to do so and went away. That the Swami arrived in the village in the evening he learnt that some disturbance had occurred and spread Muthuvadi and that there was a quarrel between

beat the Daffedar with their hands and that then there was some confusion and the Swami was hurried into the villa e (?0) One Parasuramanna also a resident of Hulikatte corroborates the statement of Basanna.

Witnesses 1 to XI are said to be disciples of the [illegible] All of them were cited by the complainant as his witnesses. They therefore cannot be considered as disinterested witnesses. The police Officer and 3 Police constables who were on duty are interested witnesses. Their version of the affair appears to be more probable and I have no reason to disbelieve them. Their statements are corroborated by 4 other witnesses of whom 2 are respectable Malebedars and cannot be considered as disinterested witnesses.

9. I personally interviewed the Swami and the members of the Sirigere Mutt. They informed me that there exists a long standing feud between the Sirigere and Kurgi Mutts. That while coming on their visit to the Hulikatte village they did not use Addanallaki nor Pachalalage. That they have no license for these insignia and did not obtain the same at any time. They further state that they have no ill feeling against the other party.

10. The demeanour and the straight forward way the Swami spoke left no doubt in my mind that neither Addanallaki nor Pachalalage was used. This falsifies that part of the statement of the complainant and his witnesses where they said that Addanallaki and Pachalalage were used. The whole statement therefore cannot be relied upon. From a comparison with the statements of the Police Officer and men who were then on Government duty and whose version of the affair appears to be quite probable and also having the support of the disinterested witnesses, I have come to the conclusion that the statements of the complainant and his party are false. I have therefore directed the investigating officer to refer the case to the Magistrate on "B" for for orders. In the meantime the complainant have received an injury from Swamiji for this, if he can prove it, he has redress before a court.

11. On the report of the officer in case under section 147, etc. [illegible] are been taken up against the complainant and his party and the case is sub-judice.

(C.) Everard,
Asst: Superintendent of Police,
Chitaldrug Division.

"C P I."

Deputy Commissioner,
Chitaldrug District.

SUBJECT .....

Diary No. of letter replied to _____

Section Mucg.
File No. 50-24.
Serial No

Muzrai Secretariat
( )
, *the* 192

No. 748

To The Rg Conr, Chittoor D
through
The Murrai Conr

Date of issue 24 11. 24

Signed by Inst Ramaiyr.

Sir,

With reference Rgm
letter no. Lc 180 of 24-25-
of 8th November 1924
forwarding a report-cum
from the Asst Supt of
Police, Davengere, in
regard to the alleged
possession of the
Sirigere Swamii in
Addapatuki in
Hulikatte village,
Davengere Taluk,

I am directed to
state that the case is one
of importance
in which the Crown
seeks an injunction
and to request that
the Proceedings should be
watched, and
that a report on the
case
in the matter
may be sent
to him
as soon as
possible after the hearing

Yours faithfully

17.11.24

17.11.24

List of enclosures

Copied by

Examined by

WD 0563—GPB—2 500—27 7 22

2604

No. C 296 Jus-5 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 9th September 1925.

From

C. S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner in Mysore,

Bangalore.

To

B. Srinivasa Iyengar, Esq., M.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir.

With reference to correspondence ending with your letter - No.61/50-24 dated 11th July 1925, regarding the procession of the Swami of the Sirigiri Matha Hulikatte, I have the honor to forward herewith copy of letter J.C. No.180/24-25 dated 31st August 1925 from the Deputy Commissioner, Chitaldrug District, reporting on the disposal of the case by the II Class Magistrate of Davangere. A copy of the judgment is also enclosed for perusal.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

KSR.

Letter No.G.C.180/24-25 dated 31st August 1925 from the Deputy Commissioner, Chitaldrug District to the Muzrai Commissioner in Mysore.

"Adverting to your memo No.C.296/24-25 dated the 26th November - 1924 in the matter of the procession of the Swami of the Sirigere Matt in Addavalki, I have the honor to state that the District Superintendent of Police reports that the complaint of the villagers of Hulikatte -- against the Swami and his followers was after investigation reported in B form to the Amildar Magistrate of Davangere Taluk and that final --- orders have not yet been passed by him in the case.

2. The case against some of the villagers for obstructing and --- assaulting the police Daffedar of Anaji was charge sheeted and the -- accused in the case have been discharged by the Amildar Magistrate of Davangere. A copy of the order of discharge received from the District Superintendent of Police is enclosed herein."

"C o p y"

for Muzrai Commissioner.

KSR.

In the Court of the Amildar and
2 Class Magistrate of Davangere Taluk
Dated this 10th day of June 1925

Present:- Sri. N Narayanarao BA
2nd Class Magistrate -

Criminal Case No 39 of 24-25.

Complainant-
Government -
(Police for Jeffer Bijli
Police Daffedar of Bagi

vs.

Accused
(1) Gurupadappa
(2) Rachaiah
(3) Dasa Hanumappa
(4) Chennabasappa
and (5) Basappala-
-Mahadevappa
Residents of
Mulikatte.

Order

The Police have charge sheeted the accused & the effect that they assaulted the Police Daffedar Bagi, while he was on duty and obstructed the Swamiji Swamigalu which going on procession and assaulted his followers and thereby committed offences punishable under sections 353 and 147 I.P.C

The points for determination are (1) Whether the accused obstructed the Swamis procession and assaulted his followers. 2) Whether the accused assaulted the Police Daffedar Bagi when was on duty - My decision is that the charges have not been proved

against the accused. The
reasons for this decision are as follows.
(1). In ext P1 the Complainant & the
Defendant PW1 two allegations are
made viz that the accused and 50 or 60
people more obstructed the Swami's
procession and severly assaulted his
followers and that they also assaulted
him. From the wording of this
Complaint it is seen that prominence
is given to the assault on the
Swami and his followers and
that the assault on PW1 is only
incidentally mentioned
(2) Ext-P1 was received by the Inspector
PW6 on 3.9.11 and he says that
in the had prior to this received a
Counter Complaint from the 1st
accused against the police Defendant
PW1 & 12 others, he did not believe
the allegations in Ext-P1 to be true
and that he did not therefore
register it, and only reported about
the same in his diary.
The police Defendant Inspector
PW6 examined the Defendant PW1
on 18.9.11 when he stated
that the persons mentioned in

ext. p. assaulted him - that he could not specifically say who actually assaulted him - PW 2 also gave a statement to the same effect.

4) It is seen from the statement of the Police Inspector PW 6 that he and the Assistant Superintendent of Police saw the Peniyare Swamigalu at Kulithalai on 3-9-24 ii on the day following the date of occurrence and that the Swami told them that he had no complaint to make in the matter of assault on himself and his followers.

5) The Police Inspector PW 6 further says that it was ascertained from the enquiry made by him that Constables Siddaranga, Albert and Khasim Sahib were present at the time of the alleged assault on the Doctor and that when examined by him they said that they did not see the Doctor being assaulted. In Ex P 1 the Doctor himself says that Constable Albert was present at the time.

6) The Sp 24 in this case was filed on 2-10-24 i.e. after the lapse of 2 months from the date of occurrence.

and it is seen from the police records
Statement that this was submitted
as per orders of the Assistant Superintendent
of Police. The police Inspector says that
the Asst. Superintendent visited the scene
of occurrance and made enquiries
on the 3rd September 19 2n. If the allegations
in Ext-P1 were deemed to be true,
it is inexplicable why there was a
delay of one month — in issuing orders
on the Inspector's Diary.
6) It is further seen from the Inspectors
Statement that he had Completed
the examination of the witnesses in the
Counter Case before submitting the
FIR in this Case and arrested 6
accused in the Counter Case on 13/10/2n
on which date he examined the witnesses
here mentioned in the Charge Sheet
in this Case. It is clear that this
Circumstance must have led the
Defence, very basically the
accused above though he had said
when examined on 18.9.2n that he
Could not say who actually
assaulted him. The Defence has
not mentioned the names of witnesses
in Ext-P1. He also failed to mention
their names before the Inspector
when examined on 18.9.2n. PW.

No value can therefore be attached to the statements of witnesses received after the lapse of nearly 1½ months from the date of occurrence.

& PW 1 says that he did not see anybody having assaulted himself & this statement is contrary to what is contained in ext P 1. None of the witnesses also says any thing about the assault on the Swami and his followers. And the Swami himself had no complaint to make in the matter. Therefore I hold that the main allegation in ext P1 has not been proved.

As regards the assault on the Dasedar, the police inspector says that he had deputed him on duty in connection with the Swami's procession. It may therefore be conceded that he was on duty. From the Dasedar's own statement it is seen that PWs 2 & 3 were present when the assault took place but these witnesses do not at all say anything about the assault as stated above no value can be attached attached to

the statements of PW 3
recorded after a delay of 1½
from the date of occurrence. Further
their two witnesses are related to
each other and are the disciples of
the Senigere Muttu which the accused
are the disciples of the Muriyi Muttu
P- is also admitted that the Senigere
Swami halted on that day in the
house of PW 3's brother. The statements
of these witnesses have therefore to be
characterised as interested. Further
there are also some discrepancies
between the statements of PW1 and
the statements of PW2 and PW3 and
PW4. It therefore held that the
alleged assault on the deceased
has not been proved. The fact
that the assault on the Swami
and his followers which forms the
major allegation in ex-P1 has been
found to be untrue leads to the
conclusion that the minor allegation
about the assault on the deceased
must also be untrue vide 47
Indian Cases 74.

(10.) The accused denied the
Commission of the offence and stated

that when the 3rd accused Patel asked for the license as the Swami was going in Adapalliki and Pinnelakalava, the Defendar and one Nagabha, a cousin of PW3 assaulted 1st and 2nd accused that the 1st accused has complained against the Defendar and 12 others and that PW3 and PW4 being the Eenigas Muttu and as such depose against them.

(11) The prosecution evidence does not support the allegations that the accused.

12) For the foregoing reasons I hold that the offences under Sections 147 & 353 are not proved against the accused and I direct that the accused be discharged under Section 253 Cr.P.C.

Pronounced in open Court

Sd/- D. Venkatachalapathi
10.6.25. III Class Mag.

True copy"

Accused

Dy. Clerk

10.8.25